

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF OHIO

COURT FILE NO.: \_\_\_\_\_

Theodore Thomas  
137 25<sup>th</sup> Street NW  
Apt. B4  
Canton, OH 44709

Plaintiff,

v.

Palisades Collection LLC  
PO Box 1244  
Englewood Cliffs, NJ 07632-0244

Defendant(s).

**COMPLAINT**

**JURY TRIAL DEMANDED**

**JURISDICTION**

1. Jurisdiction of this Court arises under 28 U.S.C. § 1331 and pursuant to 15 U.S.C. § 1692k(d), and pursuant to 28 U.S.C. § 1367 for pendent state law claims.
2. This action arises out of Defendant's repeated violations of the Fair Debt Collection Practices Act, 15 U.S.C. § 1692 et seq. ("FDCPA") and out of the invasions of Plaintiff personal and financial privacy by Defendant and its agents in its illegal efforts to collect a consumer debt from Plaintiff.
3. Venue is proper in this District because the acts and transactions occurred here, Plaintiff resides here, and Defendant transact business here.

**PARTIES**

4. Plaintiff Theodore Thomas is a natural person who resides in the City of Canton, County of Stark, State of Ohio and is a "consumer" as that term is defined by 15 U.S.C. § 1692a(3).
5. Defendant Palisades Collection, LLC is a collection agency and is a "debt collector" as that

term is defined by 15 U.S.C. § 1692a(6).

### **FACTUAL ALLEGATIONS**

6. A principle part of Defendant Palisades Collection, LLC's business is the collection of consumer debts using the mail and telephone. Palisades Collection, LLC collects debts alleged to be due another.

7. Sometime during or prior to 2010, Plaintiff allegedly created an account ending 8758 with Chase Bank USA, N.A. and therefore incurred a financial obligation primarily for personal, family or household purposes. This obligation allegedly went into default for late payment.

8. On or about October 9, 2007, Plaintiff, in an effort to resolve this debt, retained the services of The Palmer Firm, P.C., a law firm that provides assistance to consumers struggling with consumer-related debt issues.

9. On or about August 21, 2009, Chase Bank USA, N.A. and Plaintiff, through The Palmer Firm, P.C., reached an agreement to pay in full account ending 8758 for \$1,544.31. A copy of a letter evidencing the aforementioned agreement is attached as Exhibit A. On August 24, 2009 check number 69262 was issued to Chase Bank USA, N.A. for \$1,544.31 as agreed. Check 69262 cleared on August 31, 2009. A copy of the aforementioned check is attached hereto as Exhibit B.

10. On or about November 6, 2009, Defendant Palisades Collection, LLC sent a letter to Plaintiff for the purpose of collecting money on account ending 8758. Plaintiff read the letter. The letter stated that a balance of \$8,107.18 was due on account ending in 8758. A copy of the aforementioned letter is attached hereto as Exhibit C. Said letter references the payment made to Chase in August of 2009.

### **TRIAL BY JURY**

11. Plaintiffs are entitled to and hereby respectfully demand a trial by jury on all issues so triable. US Const. amend. 7. Fed.R.Civ.P. 38.

**FIRST CAUSE OF ACTION**

**VIOLATIONS OF THE FAIR DEBT COLLECTION PRACTICES ACT  
15 U.S.C. § 1692 et seq.**

12. Plaintiff incorporates by reference all of the above paragraphs of this Complaint as though fully stated herein.

13. The foregoing acts and omissions of Defendant and their agents constitute violations of the FDCPA.

14. Defendant Palisades Collections's actions violated the FDCPA including, but are not limited to, the following:

(a) Attempting to collect a debt amount that is not expressly authorized by an agreement or permitted by law. 15 U.S.C. § 1692f(1).

(b) making a false representation of the character, amount, or legal status of any debt. 15 USC 1692(e)(2)(a).

15. As a proximate result of the above-mentioned violations, Plaintiff has suffered, as herein alleged, actual damages in the form of anger, anxiety, emotional distress, fear, frustration, upset, humiliation, embarrassment, amongst other negative emotions, as well as suffering from unjustified and abusive invasions of personal privacy.

16. As a result of Defendant's violations of the Fair Debt Collection Practices Act, Plaintiff is entitled to statutory damages and reasonable attorney's fees and costs from Defendant.

17. As a result of each and every Defendant's violations of the FDCPA, Plaintiff is entitled to actual damages pursuant to 15 U.S.C. § 1692k(a)(1); statutory damages in an amount up to \$1,000.00 pursuant to 15 U.S.C. § 1692k(a)(2)(A); and, reasonable attorney's fees and costs pursuant to 15 U.S.C. § 1692k(a)(3), from Defendant.

**SECOND CAUSE OF ACTION**

**NEGLIGENCE**

18. Plaintiff incorporates by reference and realleges each and every allegation contained in paragraphs 1 through 28 above as though fully set forth herein.

19. Defendant owed a duty of care to Plaintiff to not pursue collection of an account that had already been settled in full.

20. Defendant Palisades Collection LLC breached that duty to Plaintiff by pursuing an already satisfied account and by not taking steps to determine if this account had already been satisfied.

21. As a proximate result of the breach by Defendant, as herein alleged, Plaintiff has been damaged in an amount according to damages proved in this matter.

**PRAYER FOR RELIEF**

**WHEREFORE**, Plaintiff prays that judgment be entered against each and every Defendant:

- for an award of actual damages pursuant to 15 U.S.C. § 1692k(a)(1) against each and every Defendant and for each Plaintiff;
- for an award of statutory damages of \$1,000.00 pursuant to 15 U.S.C. §1692k(a)(2)(A) against Defendant.
- for an award of costs of litigation and reasonable attorney's fees pursuant to 15 U.S.C. § 1692k(a)(3) against Defendant and for Plaintiff;
- for damages relating to Plaintiff's negligence.
- for such other and further relief as may be just and proper.

Respectfully submitted,

Dated: October 4, 2010

**Vidmar and Hardesty, Ltd.**

**By: /s/ Christian Hardesty**

Christian Hardesty

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